MT LEGISLATIVE HISTORY

Chapter 264 1973

Bill H 253 S _____ Original bill & hist. ___C

H. Committee on LABOR		S. Committee on LABOR	
Hearing Date(s) _____	___C	Hearing Date(s) _____	___C
1/26	✓C	2/23	✓C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out ?	___C	2/23	✓C

See Journal Pages

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

January 26, 1973

LABOR AND EMPLOYMENT RELATIONS COMMITTEE PROCEEDINGS:

A meeting of the Labor and Employment Relations Committee was held on Friday, January 26, 1973 at 10:30 a.m. with Vice Chairman Lombardi presiding. All members were present except Rep. Ellerd, who was excused, and Chairman McKittrick, who was held up at a previous committee meeting, and arrived late.

HOUSE BILL # 253 -- SPONSOR: Rep. Joe Quilici explained the bill and stated that often in the past injuries have occurred where the claimant did not report or file a claim until after the 12-month deadline and therefore wasn't eligible for compensation. Often trouble arises from an old injury even as much later as several years. Rep. Quilici felt that this denial of compensation wasn't fair. PROPONENTS: Mr. Ernie Post of the Montana State AFL-CIO said that both the Mont. AFL-CIO and the Commission on State Workmens' Comp. recommended as much as three years in which to file but rather than propose an amendment they think it should be left up to the discretion of the Commission in the cases involved. Rep. Quilici then said that it is up to the employee himself to file the injury claim, and that he might need this extra time limit. No opponents. Questions followed and witnesses were excused.

HOUSE BILL # 176 -- SUBCOMMITTEE REPORT: Subcommittee Chairman Lee stated that it was the subcommittee's feeling that the bill was cumbersome and therefore needed amending. Several amendments were then proposed, copy enclosed. Rep. Lee then moved that HB 176 DO PASS AS AMENDED. Rep. Tierney seconded the motion. Discussion followed. A further amendment was proposed: page 1, line 8, in the title after the word "TO" by having the rest of the title read: "MAKE ARRANGEMENTS WITHIN TEN (10) DAYS TO RETURN TO WORK FOLLOWING THE COMPLETION OF SUCH PUBLIC SERVICE.". Rep. Colberg moved to amend the Subcommittee Report by amending the body of the bill to correspond with the proposed amendment in the title; and that as amended the Subcommittee Report be adopted. Rep. Bennetts seconded it; motion carried unanimously. Rep. Hodges then moved that HB 176 AS AMENDED DO PASS. Seconded by Rep. Lombardi; a majority voted to do so; Rep. East was opposed.

Meeting was adjourned.

Pat McKittrick
Chairman Pat McKittrick

Debbie Jakovac
Secretary

NAME Rep Joe Lusk BILL NO. 203

ADDRESS _____ DATE _____

WHOM DO YOU REPRESENT? _____

SUPPORT? X OPPOSE? _____ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME Ernest Cook BILL NO. 253

ADDRESS P.O. Box 1176 DATE 1-26-72
Helena, Mt.

WHOM DO YOU REPRESENT? Montana State AFL-CIO

SUPPORT? X OPPOSE? _____ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE JOURNAL

OF THE

First Regular and First Special Sessions

OF THE

Forty-Third Legislative Assembly

OF THE

STATE OF MONTANA

STATE LAW LIBRARY
AUG 28 1979
OF MONTANA

Held at Helena, the Seat of Government of Said State,
Commencing in Regular Session January 1, 1973 and
Ending March 10, 1973, and
Commencing in Special Session March 12, 1973, and
Ending March 24, 1973.

Ed Smith
Chief Clerk

Rosella Wilson
Journal Clerk

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January 26, 1973

Mr. Speaker: We, your Committee on Local Government, having had under consideration House Bill No. 196, respectfully report as follows: That House Bill No. 196 do pass.

KOSENA, Chairman

Report adopted.

January 26, 1973

Mr. Speaker: We, your Committee on Local Government, having had under consideration House Bill No. 164, respectfully report as follows: That House Bill No. 164 be amended as follows:

Amend on page 1, Section 1, line 17, by striking the word "[shall]" and inserting in lieu thereof the word "may".

And, as amended, do pass.

KOSENA, Chairman

Report adopted.

(Material in brackets denotes cancelled type.)

January 26, 1973

Mr. Speaker: We, your Committee on Taxation, having had under consideration House Bill No. 192, respectfully report as follows: That House Bill No. 192 do pass.

WATT, Chairman

Report adopted.

January 26, 1973

Mr. Speaker: We, your Committee on Labor and Employment Relations, having had under consideration House Bill No. 253, respectfully report as follows: That House Bill No. 253 do pass.

McKITTRICK, Chairman

Report adopted.

MESSAGES FROM THE OTHER HOUSE

January 25, 1973

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Bill No. 388, introduced by McKeon and Lynch, was this day read three several times and passed, title and history agreed to, and the bill is herewith transmitted to the House for concurrence.

Very truly yours,

WALTER H. MARSHALL
Secretary of the Senate

January 25, 1973

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bills and Senate Joint Resolution was this day read three several times and passed, title and history agreed to and the bills are herewith transmitted to the House for concurrence.

Senate Bill No. 6, introduced by Lynch & Moore (by request)

Senate Bill No. 23, introduced by Moore & Lynch (by request)

Senate Bill No. 90, introduced by McDonald & Mathers

Senate Bill No. 148, introduced by Carl, Siderius, et al

Senate Bill No. 161, introduced by Carl, Siderius, et al

LABOR & EMPLOYMENT RELATIONS

SENATE COMMITTEE Labor & Employment Relations

1973 Senate
Labor & Employment Relations

SENATE BILLS

No.	Date Rec.	Title	Author	Date Act.	Type Act
48	1/2	Safety & Health	Siderius		Held 1974
99	1/11	Hoisting Engrs.	Lowe & Boylan		
113	1/13	"Employer"	Lowe & Siderius	2/5	Pass
114	1/13	Hospitals	Siderius	2/5	Not Pass
115	1/13	Ext. of Coverage	Siderius	2/5	Pass
116	1/13	Repealing Secs.	Lowe & Siderius	2/5	Pass
117	1/13	Def. of Insurer	Lowe & Siderius	2/5	Pass
118	1/13	Temp. total Disab.	Lowe & Siderius	2/5	Pass
119	1/13	Perm. Part. Disab.	Lowe & Siderius	2/5	Pass
120	1/13	Perm. total Disab.	Keenan & Siderius	2/5	Pass
121	1/13	Def. of Wages	Keenan & Siderius	2/5	Pass
122	1/13	Inj. prod. partial Disability	McKeon Siderius	2/5	Pass
123	1/13	Inj. prod. perm. Dis	McKeon & Siderius	2/5	Pass
124	1/13	Exempted Employm.	Siderius	2/5	Pass
125	1/13	'Indep. Contractor'	Siderius	2/5	Pass
126	1/13	Med. & Hosp. Services Apprvd.	McKeon	2/5	Pass
127	1/13	Elect. of Employers & Employees	McKeon	2/	Pass
128	1/13	"Av. Weekly Wage"	Bertsche & Siderius	2/5	Pass
129	1/13	Inj. prod. temp. Disability	McKeon & Siderius	2/5	Pass
130	1/13	Inj. causing Death	McKeon & Siderius	2/5	Pass
131	1/13	Nonexem. employm.	Keenan & Siderius	2/5	Pass

HOUSE BILLS

No.	Date Rec.	Title	Author	Date Act.	Type Act
104	1/29	Base period & benefit year. Amendments	Baucus, Lombardi		Do Pass
115	1/29	Period of Cov. & Election for coverage	Lombardi, McKittrick		Do Pass
158	2/1	Ment. & Nerv. system Injury without trauma	Norman Bennetts		Not Pass
69	2/6	Vac. Benefits	Brand Kessner		
253	2/9	Waiver of requirements in filing of claim	McKittrick		
145	2/10	Board of Appeals	Baucus Lombardi		
214	2/13	Incrs. in maximum Weekly benefits	McKittrick Lee		
431	2/12	Incrs. in time to Recover penalties	Greely McKittrick		As Amen
344	2/15	Pens. adjustment	Towe Fasbender		Ref. to St. Adm.
357	2/15	Exempt from Disqualification	Lee McKittrick		
372	2/15	Women reach fullest potential	Bennetts Bardonouve		
444	2/15	Montana residents prefd. pub. labor	Swanberg McKittrick		
488	2/17	Job. protect. for Railroad employees	Brand Kimble		
358	2/17	Change disqualifying Retirement income	Lynch McKittrick		
279	2/17	Minim. wage be excl. of gratuities	Hall		
131	2/17	Incrs. in silicosis benefits payments	Lynch Lee		
176	2/21	Allow 180 days for public office	Brand		
445	2/22	Unlawful to disch. without just cause.	Kimble		

MINUTES OF MEETING OF THE
LABOR AND EMPLOYMENT RELATIONS COMMITTEE
STATE SENATE

A meeting of the Labor and Employment Relations Committee was called to order by Chairman Siderius, February 23, 1973 at 12:00 Noon, Room 402 of the State Capitol Building.

ROLL CALL: All members present with Senators Moore and McNamer excused.

CONSIDERATION OF HOUSE BILL 253:

Representative Quilici appeared before the Committee in support of his bill.

Ernie Post, Staff Representative of the AFL-CIO also testified in support of this bill.

Discussion period followed the testimony.

CONSIDERATION OF HOUSE BILLS 357 and 358:

Representative Lynch appeared before the Committee in support of these two House bills.

Proponents to these bills, with amendments were:

Fred Barrett, Employment Security Division
Robert Helding, St. Regis Paper Company
P.L. McDonald, The Anaconda Company
W.M. Kirkpatrick, Montana Wood Products Association

Proponent of House Bills 357 and 358, as written:

Ernie Post, AFL-CIO

Opponents

Chadwick Smith, Small Employers
D.H. Siewert, Montana Chamber of Commerce

Representative Lynch closed his comments on these two bills.

Discussion period followed the testimony.

CONSIDERATION OF HOUSE BILL 145:

Senator Lowe moved the amendments to HB 145, Senator Bertsche seconded the motion. Motion carried.

Senator Lowe moved that HB 145 Be Concurred In As amended. Senator Bertsche seconded the motion. Motion carried unanimously of the members present.

CONSIDERATION OF HOUSE BILL 253:

Senator Keenan moved, seconded by Senator Lowe that HB 253 be Concurred In.

Senator Bennett made a substitute motion that HB 253 Be Not Concurred In. Seconded by Senator Lowe.

Seantor Jensen made a substitute motion to the substitute motion that an amendment be offered.

Senator Lowe moved to amend HB 253, page 1, line 25 after the word "requirement" by inserting the following punctuation and words ", up to an additional twenty-four (24) months".

Senator Jensen seconded the motion. Motion carried.

Senator Keenan moved that House Bill 253, Be Concurred in As Amended. Seantor Shea seconded the motion. Motion carried unanimously of the members present.

CONSIDERATION OF HOUSE BILL 357, and 358:

Senator Lowe offered an amendment to House Bill 357, page 2, lines 1, 2, and 3 by striking them in their entirety and renumbering sub-section (2) to be sub-section (1).

Senator Himsl made a motion to hold this bill for further discussion at the next committee meeting. Seconded by Senator Bertsche. Motion carried.

Meeting adjourned 1:20.

SENATOR GEORGE SIDERIUS, CHAIRMAN

appeals therefrom within five (5) days after delivery of such notification or within seven (7) days after such notification was mailed to his last known address provided, that such period may be extended for good cause.

(d) *Appeals referee.* To hear and decide disputed claim, the *division* shall appoint such impartial *appeals referee* as are necessary for the proper administration of this act, consisting of salaried *examiners* selected in accordance with section 87-123. No person shall participate on behalf of the *division* in any case in which he is an interested party. The *division* may designate alternates to serve in the absence or disqualification of an *appeals referee.*

(e) Notice of decision of appeals referee and time for appeal. After a hearing an appeals referee shall make findings and conclusions promptly and on the basis thereof affirm, modify, or reverse the deputy's determination or redetermination. Each interested party shall be furnished promptly a copy of the decision and the supporting findings and conclusions; this decision shall be final unless further review is initiated pursuant to subsection (g) of this section within five (5) days after delivery of such notification or within seven (7) days after such notification was mailed to his last known address, provided, that such period may be extended for good cause.

(f) Prompt payment of claims. Notwithstanding any provision in subsection (b), (c) or (g) of this section, benefits shall be paid promptly in accordance with a determination or redetermination under this section, or the decision of an appeals referee, the board of labor appeals or a reviewing court under subsection (g) of this section upon the issuance of such determination, redetermination or decision (regardless of the pendency of the period to apply for reconsideration, file an appeal, or petition for judicial review that is provided with respect thereto in subsection (g) of this section, as the case may be, or the pendency of any such application, filing, or petition), unless and until such determination, redetermination, or decision has been modified or reversed by a subsequent redetermination or decision, in which event benefits shall be paid or denied for weeks of unemployment thereafter in accordance with such modifying or reversing redetermination or decision.

If a deputy's determination or redetermination allowing benefits is affirmed in any amount by an appeals referee, or by the board of labor appeals, or if a decision of an appeals referee allowing benefits is affirmed in any amount by the board of labor appeals, such benefits shall be paid promptly regardless of any further appeal or the disposition of such appeal and no injunction, supersedeas, stay or other writ or process suspending the payment of such benefits shall be issued by the board or any court; but if such decision is finally modified or reversed to deny benefits, no employer's account shall be charged with benefits so paid. Benefits shall not be paid for any weeks of unemployment involved in such modification or reversal that begins after such final decision.

(g) Appeal to board of labor appeals and judicial review. Any interested party dissatisfied with a decision of an appeals referee is entitled to appeal to the board of labor appeals. The division will promptly transmit all records pertinent to the appeal to the board. When a decision is rendered by the board with copies of such decision to all interested parties, including the division, that decision shall become final unless an interested party requests a rehearing or initiates judicial review by filing a petition in district court within thirty (30) days of the date of mailing of the board's decsion to his last known address."

Approved: March 10, 1973.

CHAPTER NO. 263

An Act to Exempt Police Pension Payments Payable Under Sections 11-1821 and 11-1814, R.C.M. 1947, from Attachment and Other Legal Processes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is a new section to be numbered 11-1821.1, which reads as follows:

11-1821.1. The benefits provided in sections 11-1814 and 11-1821, are not subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency or other process of law, and are unassignable.

Approved: March 10, 1973.

CHAPTER NO. 264

An Act Providing for Waiver of Time Requirements in Filing of Claim of Division of Workmen's Compensation if Reasonable Showing Lack of Knowledge of Disability is Shown by Claimant; and Amending Section 92-601, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 92-601, R.C.M. 1947, is amended to read as follows:

"92-601. **Claims must be presented within what time.** In case of personal injury or death, all claims shall be forever barred unless presented in writing to the employer, the insurer, or the *division*, as the case may be, within twelve *(12)* months from the date of happening of the accident, either by the claimant or someone legally authorized to act for him in his behalf.

The division may, upon a reasonable showing by the claimant of lack of knowledge of disability, waive the time requirement, up to an additional twenty-four (24) months.

Approved: March 10, 1973.

CHAPTER NO. 265

An Act to Repeal Section 32-2804, R.C.M. 1947, which Allows Boards of County Commissioners to Contract with the Federal Government to Construct Roads Without Competitive Bidding.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 32-2804, R.C.M. 1947, is repealed.

Approved: March 10, 1973.

CHAPTER NO. 266

An Act to Amend Sections 84-202, 84301 and 84-302, R.C.M. 1947, to Exempt from Taxation Freeport Merchandise.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 84-202, R.C.M. 1947, is amended to read as follows:

"84-202. **Exemptions from taxation.** The property of the United States, the state, counties, cities, towns, school districts, municipal corporations, public libraries, such other property as is used exclusively for agricultural or horticultural societies, for educational purposes, places of actual religious worship, hospitals and places of burial not used or held for private or corporate profit, and institutions of purely public charity, evidence of debt secured by mortgages of record upon real or personal property in the state of Montana, and public art galleries and public observatories not used or held for private or corporate profit, are exempt from taxation, but no more land than is necessary for such purpose is exempt; provided, the term "institutions of purely public charity" as used in this act shall include organizations owning and operating facilities for the care of the retired or aged or chronically ill which are not operated for gain or profit; provided, that the terms public art galleries and public observatories used in this act shall mean only such art galleries and observatories whether of public or private ownership, as are open to the public, without charge or fee at all reasonable hours, and are used for the purpose of education only, and also when a clubhouse or building erected by or belonging to any society or organization of honorably discharged United States soldiers, sailors or marines who served in army or navy of United States, is used exclusively for educational, fraternal, benevolent or purely public charitable purposes, rather than for gain or profit, together with the library and furniture necessarily used in any such building, and all property, real or personal, in the possession of legal guardians of incompetent veterans of the World War or minor dependents of such veterans, where such property is funds or derived from funds received from the United States as pension, compensation, insurance, adjusted compensation, or gratuity, shall be exempt from all taxation as property of the United States while held by the guardian, but not after title passes to the veteran or minor in his or her own right on account of removal of legal disability.

Freeport merchandise shall be exempt from taxation. Freeport merchandise means those stocks of merchandise manufactured or produced outside this state which are in transit through this state and consigned to a warehouse or other storage facility, public or private, within this state, for storage in transit prior to shipment to a final destination outside the state, and which have acquired a taxable situs within the state.

Stocks of merchandise do not lose their status as freeport merchandise because while in the storage facility they are assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

Any person, corporation, firm, partnership, association, or other group seeking to qualify its property for inclusion in this class shall make application to the state department of revenue in such manner or form as may be required by the department."

Section 2. Section 84-301, R.C.M. 1947, is amended to read as follows:

"84-301. **Classification of property for taxation.** For the purpose of taxation the taxable property in the state shall be classified as follows:

Class One. The annual net proceeds of all mines and mining